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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

1 Pursuant to Paragraph 5 of the Consent Decree entered by the Court on September 12,
 2 2008 in the above-captioned matter (Dkt. 21) and Federal Rule of Civil Procedure 41(a)(1), the
 3 parties to this action, Plaintiffs Association of Irritated Residents and the Natural Resources
 4 Defense Council, Inc. and Defendants the United States Environmental Protection Agency et al.
 5 (“EPA” or “Agency”), hereby stipulate and agree, through their undersigned counsel, that this
 6 action shall be dismissed with prejudice.

7 Paragraph 5 of the Consent Decree provides that the parties will jointly request the Court
 8 to dismiss this action with prejudice when the actions in Paragraphs 1 and 2 of the Consent
 9 Decree, taken pursuant to section 110(k) of the Clean Air Act, 42 U.S.C. § 7410(k), have been
 10 completed.

11 EPA has fulfilled the obligations set forth in Paragraph 1 of the Consent Decree, which
 12 required EPA to sign for publication in the Federal Register no later than October 15, 2008
 13 notices of the Agency’s proposed actions on the 2003 State SIP, the 2004 San Joaquin Valley
 14 SIP, and the 2003 South Coast SIP, and to deliver the notices to the Office of the Federal
 15 Register for publication. *See Approval and Promulgation of Implementation Plans: 1-Hour*
 16 *Ozone Extreme Area Plan for San Joaquin Valley, CA*, 73 Fed. Reg. 61,381 (Oct. 16, 2008);
 17 *Approval and Promulgation of Implementation Plans; State of California; 2003 State Strategy*
 18 *and 2003 South Coast Plan for One-Hour Ozone and Nitrogen Dioxide*, 73 Fed. Reg. 63,408
 19 (Oct. 24, 2008).

20 EPA has also fulfilled the obligations set forth in Paragraph 2 of the Consent Decree, as
 21 amended on January 15, 2009 (Dkt. 28) and August 10, 2009 (Dkt. 31), which required EPA to:
 22 (1) sign for publication in the Federal Register by January 15, 2009 a notice of the Agency’s final
 23 action on the 2003 South Coast SIP and related portions of the 2003 State SIP; (2) sign for
 24 publication in the Federal Register by December 11, 2009 a notice of the Agency’s final action
 25 on the 2004 San Joaquin Valley SIP and related portions of the 2003 State SIP; and (3) deliver
 26 the notices to the Office of the Federal Register for publication. *See Approval and Promulgation*
 27 *of Implementation Plans: 1-Hour Ozone Extreme Area Plan for San Joaquin Valley, CA*, 75 Fed.
 28 Reg. 10,420 (Mar. 8, 2010); *Approval and Promulgation of Implementation Plans; State of*

1 California; 2003 State Strategy and 2003 South Coast Plan for One-Hour Ozone and Nitrogen
2 Dioxide, 74 Fed. Reg. 10,176 (Mar. 10, 2009).

3 Accordingly, the terms of Paragraph 5 of the Consent Decree have been satisfied, and
4 dismissal of this action with prejudice is appropriate.

5 Respectfully submitted,

6 FOR THE DEFENDANTS:

IGNACIA S. MORENO
Assistant Attorney General
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8 Dated: April 1, 2010

/s/ Rochelle L. Russell
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10 FOR THE PLAINTIFFS:

11 Dated: April 1, 2010

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19 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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25 Dated: April 1, 2010

